IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.4363 OF 2006

In

APPEAL NO.799 OF 2006

In

CHAMBER SUMMONS NO.545 OF 2006

In

EXECUTION APPLN. NO.123 OF 2006

In

HYDERABAD SUIT NO.402 OF 1998

Mrs.Roma Sunil Vohra & Anr. : Appellants
(Orig.Applicants)

V/s.

Hyderabad Industries Limited & Ors. : Respondents
(Orig. Defendants)

...

Mr.S.P.Dubey for the appellants.

Mr.C.S.Balsara with Mr.Aditya Khanna i/b. M/s.Khaitan & Co., for respondent no.1.

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CORAM : R.M.LODHA & S.A.BOBDE,JJ.

DATE : DECEMBER 19, 2006.

P.C.

We heard the counsel for the parties.

2. The amount deposited by the appellants, pursuant to the order dated 13.11.2006, may be withdrawn by the respondent no.1 on furnishing Bank Guarantee of a Nationalised Bank. The Bank Guarantee shall be furnished for the amount to be withdrawn by the respondent no.1 along with simple interest at the rate of 8% per annun, in case the amount is to be restituted by the respondent no.1 on the appeal being allowed. The Bank Guarantee shall remain alive upto the disposal of the appeal and for one month thereafter.

3. The execution of the ex parte decree dated 13.2.2004 shall remain stayed, insofar as the appellants are concerned.

4. Notice of Motion stands disposed of.

R.M. LODHA, J.

S.A. BOBDE, J.